

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

All Actions

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

**[PROPOSED] ORDER RESOLVING
JOINT LETTER BRIEF REGARDING
DISPUTES OVER PRIVILEGE ISSUES IN
CONNECTION WITH THE DEPOSITION
OF JASON SATTIZAHN (ECF 2454)**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

1 On November 17, 2025, Defendants Meta Platforms, Inc. f/k/a Facebook, Inc.; Facebook
 2 Holdings, LLC; Facebook Operations, LLC; Meta Payments Inc. f/k/a Facebook Payments Inc.; Meta
 3 Platforms Technologies, LLC f/k/a Facebook Technologies, LLC; Instagram, LLC; and Siculus LLC f/k/a
 4 Siculus, Inc. (collectively, “Meta”); MDL Personal Injury and School District (“PI/SD”) Plaintiffs, MDL
 5 State AGs, and JCCP Personal Injury Plaintiffs (collectively, “Plaintiffs”); and third-party Jason Sattizahn
 6 (together with Meta and Plaintiffs, the “Parties”) filed a joint letter brief regarding disputes over Meta’s
 7 motion for a protective order on privilege issues in connection with the deposition of Jason Sattizahn.
 8 ECF 2454. The Court heard argument on the Parties’ dispute on December 1, 2025. Having considered
 9 the Parties’ arguments, the Court hereby ORDERS as follows:

10 BACKGROUND

11 Meta previously moved to strike Sattizahn from Plaintiffs’ preliminary witness lists. ECF 2315.
 12 The Court denied Meta’s motion but granted leave for Meta to take Sattizahn’s deposition, by no later
 13 than December 11, 2025. ECF 2348. Meta subsequently noticed the deposition, which is now scheduled
 14 to take place on December 8, 2025. The Parties previously agreed that the deposition will be an eight-
 15 hour deposition, and that all plaintiffs in attendance (including Plaintiffs here as well as the New Mexico
 16 Attorney General (“AG”) and other State AGs suing Meta in state courts around the country) will
 17 collectively have four hours, with Meta having the remaining four hours.

18 On November 21, 2025, the court presiding over the New Mexico action against Meta ruled that
 19 New Mexico would be permitted to question Sattizahn at the December 8 deposition regarding Sattizahn’s
 20 previous testimony before the Senate, in which he made allegations regarding the role of Meta personnel
 21 and attorneys in the conduct of research. The New Mexico court further ordered that Meta’s participation
 22 in the deposition and its questioning of Sattizahn would not constitute a waiver of any privilege, and that
 23 Meta’s objections on the basis of privilege would be reserved until after the deposition, with the transcript
 24 to remain sealed until after the New Mexico court rules on those objections. Finally, the New Mexico
 25 court ordered that only counsel for Meta and New Mexico could attend the New Mexico portion of the
 26 Sattizahn deposition, unless other courts in related litigation (including this MDL) issued orders imposing
 27 the same or similar conditions. In ruling that New Mexico could question Sattizahn on the substance of
 28 his communications with Meta’s in-house counsel, the New Mexico court stated its expectation that any

1 privilege disputes following the deposition would be promptly raised in the New Mexico court. Attached
 2 hereto as Exhibit 1 is a true and correct copy of a rough transcript of the New Mexico hearing where these
 3 orders were made, which was supplied to this Court by counsel for the Parties.

4 **ORDER**

5 In light of the New Mexico court's order, Meta's motion for a protective order is DENIED.
 6 Instead, the Court rules that MDL and JCCP Plaintiffs may attend the New Mexico portion of Sattizahn's
 7 deposition on December 8, 2025, on the terms ordered by the New Mexico court, subject to the following
 8 conditions: (1) they will not ask any questions during the New Mexico portion of the deposition; (2) they
 9 will not ask any questions relating to alleged spoliation or communications with Meta's counsel, which
 10 will be handled exclusively by attorneys for New Mexico; (3) they will not take the position that Meta
 11 waived privilege by virtue of allowing them to attend the New Mexico portion of the deposition; and (4)
 12 they agree that the attorney-client privilege is Meta's—not Sattizahn's—to waive. Counsel for MDL
 13 Plaintiffs, JCCP Plaintiffs, and Sattizahn confirmed on the record at the December 1, 2025 hearing that
 14 they would abide by these conditions, and they are hereby ORDERED to do so.¹ As a matter of judicial
 15 efficiency, any privilege disputes following the deposition should be raised promptly with the New
 16 Mexico court; while the New Mexico court's rulings on those disputes will not be binding in the MDL or
 17 JCCP (and the Parties reserve the right to challenge Meta's privilege objections at a later time in this
 18 Court), having the New Mexico court rule in the first instance may narrow the range of disputes that may
 19 otherwise need to be resolved by this Court. The Parties are hereby ORDERED to coordinate with New
 20 Mexico to prepare and submit a Stipulation and Proposed Order to the New Mexico court allowing MDL
 21 and JCCP Plaintiffs to attend the New Mexico portion of Sattizahn's deposition on December 8, 2025, on
 22 the terms outlined above.

23 This Order does not address the admissibility of the transcript of Sattizahn's deposition in any
 24 proceeding; the Parties reserve the right to seek (or object to) the admissibility of the transcript at any trial,
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27 ¹ Meta maintains that Sattizahn's testimony before Congress did not waive Meta's privilege, and Plaintiffs
 28 maintain that Meta's failure to take remedial steps constituted a waiver.

1 and any arguments as to admissibility shall be raised at the appropriate time with the Court presiding over
2 the trial at issue (i.e., Judge Gonzalez Rogers for the MDL and Judge Kuhl for the JCCP).

3 In connection with the Joint Letter Brief filed at ECF 2474, on which the Court also heard argument
4 on December 1, 2025, the Parties are ORDERED to file a notice on the docket attaching a copy of the
5 D.C. court's order on Meta's motion for reconsideration as soon as that order issues, and to also email a
6 courtesy copy to phkpo@cand.uscourts.gov.

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8 **IT IS SO ORDERED.**

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10 Dated: December 8, 2025



11 HONORABLE PETER H. KANG
12 United States Magistrate Judge

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1 Dated: December 4, 2025

Respectfully submitted,

2 **COVINGTON & BURLING LLP**

3 By: /s/ Ashley M. Simonsen

4 Ashley M. Simonsen (State Bar. No. 275203)
5 COVINGTON & BURLING LLP
6 1999 Avenue of the Stars
7 Los Angeles, CA 90067
8 Telephone: + 1 (424) 332-4800
9 Email: asimonsen@cov.com

10 Paul W. Schmidt, *pro hac vice*
11 COVINGTON & BURLING LLP
12 The New York Times Building
13 620 Eighth Avenue
14 New York, NY 10018-1405
15 Telephone: + 1 (212) 841-1262
16 Facsimile: + 1 (202) 662-6291
17 Email: pschmidt@cov.com

18 *Attorneys for Defendants Meta Platforms, Inc.*
19 *f/k/a Facebook, Inc.; Facebook Holdings, LLC;*
20 *Facebook Operations, LLC; Meta Payments Inc.*
21 *f/k/a Facebook Payments Inc.; Meta Platforms*
22 *Technologies, LLC f/k/a Facebook Technologies,*
23 *LLC; Instagram, LLC; and Siculus LLC f/k/a*
24 *Siculus, Inc.*

25 By: /s/ Lexi J. Hazam

26 LEXI J. HAZAM
27 **LIEFF CABRASER HEIMANN &**
28 **BERNSTEIN, LLP**
29 275 BATTERY STREET, 29TH FLOOR
30 SAN FRANCISCO, CA 94111-3339
31 Telephone: 415-956-1000
32 lhazam@lchb.com

33 PREVIN WARREN
34 **MOTLEY RICE LLC**
35 401 9th Street NW Suite 630
36 Washington DC 20004
37 Telephone: 202-386-9610
38 pwarren@motleyrice.com

39 Co-Lead Counsel

CHRISTOPHER A. SEEGER
SEEGER WEISS, LLP
55 CHALLENGER ROAD, 6TH FLOOR
RIDGEFIELD PARK, NJ 07660
Telephone: 973-639-9100
cseeger@seegerweiss.com

Counsel to Co-Lead Counsel and Settlement Counsel

JENNIE LEE ANDERSON
ANDRUS ANDERSON, LLP
155 MONTGOMERY STREET, SUITE 900
SAN FRANCISCO, CA 94104
Telephone: 415-986-1400
jennie@andrusanderson.com

Liaison Counsel and Ombudsperson

MATTHEW BERGMAN
SOCIAL MEDIA VICTIMS LAW CENTER
821 SECOND AVENUE, SUITE 2100
SEATTLE, WA 98104
Telephone: 206-741-4862
matt@socialmediavictims.org

JAMES J. BILSBORROW
WEITZ & LUXENBERG, PC
700 BROADWAY
NEW YORK, NY 10003
Telephone: 212-558-5500
jbilsborrow@weitzlux.com

ELLYN HURD
SIMMONS HANLY CONROY, LLC
112 MADISON AVE, 7TH FLOOR
NEW YORK, NY 10016
Telephone: 212-257-8482
ehurd@simmonsfirm.com

ANDRE MURA
GIBBS MURA, A LAW GROUP
1111 BROADWAY, SUITE 2100
OAKLAND, CA 94607
Telephone: 510-350-9717
amm@classlawgroup.com

MICHAEL M. WEINKOWITZ

1 **LEVIN SEDRAN & BERMAN, LLP**
2 510 WALNUT STREET
3 SUITE 500
4 PHILADELPHIA, PA 19106
Telephone: 215-592-1500
mweinkowitz@lfsbalw.com

5 **MELISSA YEATES**
6 **KESSLER TOPAZ MELTZER & CHECK**
7 **LLP**
8 280 KING OF PRUSSIA ROAD
RADNOR, PA 19087
Telephone: 610-667-7706
myeates@ktmc.com

9 Plaintiffs' Steering Committee Leadership

10 **RON AUSTIN**
11 **RON AUSTIN LAW**
12 400 MANHATTAN BLVD.
13 HARVEY, LA 70058
14 Telephone: 504-227-8100
raustin@ronaustinlaw.com

15 **AELISH M. BAIG**
16 **ROBBINS GELLER RUDMAN & DOWD**
17 **LLP**
18 1 MONTGOMERY STREET, #1800
SAN FRANCISCO, CA 94104
Telephone: 415-288-4545
AelishB@rgrd.com

19 **PAIGE BOLDT**
20 **ANAPOL WEISS**
21 130 N. 18TH STREET, #1600
22 PHILADELPHIA, PA 19103
Telephone: 215-929-8822
pboldt@anapolweiss.com

23 **THOMAS P. CARTMELL**
24 **WAGSTAFF & CARTMELL LLP**
25 4740 Grand Avenue, Suite 300
Kansas City, MO 64112
Telephone: 816-701-1100
tcartmell@wcllp.com

1 FELICIA CRAICK
2 **KELLER ROHRBACK LLP**
3 1201 THIRD AVENUE, SUITE 3400
4 SEATTLE, WA 98101
5 Telephone: 206-623-1900
6 fcrack@kellerrohrback.com

7 SARAH EMERY
8 **HENDY JOHNSON VAUGHN EMERY PSC**
9 600 WEST MAIN STREET, SUITE 100
10 LOUISVILLE, KT 40202
11 Telephone: 859-600-6725
12 semery@justicestartshere.com

13 KIRK GOZA
14 **GOZA HONNOLD**
15 9500 NALL AVE. #400
16 OVERLAND PARK, KS 66207
17 Telephone: 913-412-2964
18 Kgoza@gohonlaw.com

19 RONALD E. JOHNSON, JR.
20 **HENDY JOHNSON VAUGHN EMERY PSC**
21 600 WEST MAIN STREET, SUITE 100
22 LOUISVILLE, KT 40202
23 Telephone: 859-578-4444
24 rjohnson@justicestartshere.com

25 MATTHEW P. LEGG
26 **BROCKSTEDT MANDALAS FEDERICO, LLC**
27 2850 QUARRY LAKE DRIVE, SUITE 220
28 BALTIMORE, MD 21209
Telephone: 410-421-7777
mlegg@lawbmf.com

29 SIN-TING MARY LIU
30 **AYLSTOCK WITKIN KREIS & OVERHOLTZ, PLLC**
31 17 EAST MAIN STREET, SUITE 200
32 PENSACOLA, FL 32502
33 Telephone: 510-698-9566
34 mliu@awkolaw.com

35 JAMES MARSH
36 **MARSH LAW FIRM PLLC**
37 31 HUDSON YARDS, 11TH FLOOR
38 NEW YORK, NY 10001-2170

1 Telephone: 212-372-3030
2 jamesmarsh@marshlaw.com

3 JOSEPH H. MELTER
4 **KESSLER TOPAZ MELTZER & CHECK**
5 **LLP**
6 280 KING OF PRUSSIA ROAD
7 RADNOR, PA 19087
8 Telephone: 610-667-7706
9 jmeltzer@ktmc.com

10 HILLARY NAPPI
11 **HACH & ROSE LLP**
12 112 Madison Avenue, 10th Floor
13 New York, New York 10016
14 Telephone: 212-213-8311
15 hnappi@hrsclaw.com

16 EMMIE PAULOS
17 **LEVIN PAPANTONIO RAFFERTY**
18 316 SOUTH BAYLEN STREET, SUITE 600
19 PENSACOLA, FL 32502
20 Telephone: 850-435-7107
21 epaulos@levinlaw.com

22 RUTH THI RIZKALLA
23 **THE CARLSON LAW FIRM, PC**
24 1500 ROSECRANS AVE., STE. 500
25 MANHATTAN BEACH, CA 90266
26 Telephone: 415-308-1915
27 rrizkalla@carlsonattorneys.com

28 ROLAND TELLIS
29 DAVID FERNANDES
30 **BARON & BUDD, P.C.**
31 15910 Ventura Boulevard, Suite 1600
32 Encino, CA 91436
33 Telephone: 818-839-2333
34 rtellis@baronbudd.com
35 dfernandes@baronbudd.com

36 DIANDRA "FU" DEBROSSE ZIMMERMANN
37 **DICELLO LEVITT**
38 505 20th St North
39 Suite 1500
40 Birmingham, Alabama 35203
41 Telephone: 205-855-5700
42 fu@dicelloselevitt.com

1 Plaintiffs' Steering Committee Membership
2

3 JOSEPH VANZANDT
4 **BEASLEY ALLEN**
5 234 COMMERCE STREET
6 MONTGOMERY, LA 36103
7 Telephone: 334-269-2343
8 joseph.vanzandt@beasleyallen.com

9 Federal/State Liaison
10

11 *Attorneys for Individual Plaintiffs*
12

13 **ROB BONTA**
14 Attorney General
15 State of California
16

17 By: /s/ Megan O'Neill
18 Nicklas A. Akers (CA SBN 211222)
19 Senior Assistant Attorney General
20 Bernard Eskandari (SBN 244395)
21 Emily Kalanithi (SBN 256972)
22 Supervising Deputy Attorneys General
23 Nayha Arora (CA SBN 350467)
24 David Beglin (CA SBN 356401)
25 Megan O'Neill (CA SBN 343535)
26 Joshua Olszewski-Jubelirer (CA SBN 336428)
27 Marissa Roy (CA SBN 318773)
28 Brendan Ruddy (CA SBN 297896)
Deputy Attorneys General
California Department of Justice
Office of the Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004
Phone: (415) 510-4400
Fax: (415) 703-5480
Megan.ONeill@doj.ca.gov

29 *Attorneys for Plaintiff the People of the State of
30 California*
31

32 **PHILIP J. WEISER**
33 Attorney General
34 State of Colorado
35

36 By: /s/ Krista Batchelder
37 Krista Batchelder, (CO Reg.45066), *pro hac vice*
38

Deputy Solicitor General
Shannon Stevenson (CO Reg. 35542), *pro hac vice*
Solicitor General
Elizabeth Orem (CO Reg. 58309), *pro hac vice*
Assistant Attorney General
Colorado Department of Law
Ralph L. Carr Judicial Center
Consumer Protection Section
1300 Broadway, 7th Floor
Denver, CO 80203
Phone: (720) 508-6384
krista.batchelder@coag.gov
Shannon.stevenson@coag.gov
Elizabeth.orem@coag.gov

*Attorneys for Plaintiff State of Colorado, ex rel.
Philip J. Weiser, Attorney General*

RUSSELL COLEMAN
Attorney General
Commonwealth of Kentucky

By: /s/ Philip Heleringer
J. Christian Lewis (KY Bar No. 87109),
pro hac vice
Philip Heleringer (KY Bar No. 96748),
pro hac vice
Zachary Richards (KY Bar No. 99209),
pro hac vice
Daniel I. Keiser (KY Bar No. 100264),
pro hac vice
Matthew Cocanougher (KY Bar No. 94292), *pro
hac vice*
Assistant Attorneys General
1024 Capital Center Drive, Ste. 200
Frankfort, KY 40601
Christian.Lewis@ky.gov
Philip.Heleringer@ky.gov
Zach.Richards@ky.gov
Daniel.Keiser@ky.gov
Matthew.Cocanougher@ky.gov
Phone: (502) 696-5300
Fax: (502) 564-2698

Attorneys for Plaintiff the Commonwealth of Kentucky

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
MATTHEW J. PLATKIN
Attorney General
State of New Jersey

By: /s/ Kashif T. Chand
Kashif T. Chand (NJ Bar No. 016752008),
Pro hac vice
Assistant Attorney General
Thomas Huynh (NJ Bar No. 200942017),
Pro hac vice
Assistant Section Chief, Deputy Attorney
General
Verna J. Pradaxay (NJ Bar No. 335822021),
Pro hac vice
Mandy K. Wang (NJ Bar No. 373452021),
Pro hac vice
Deputy Attorneys General
New Jersey Office of the Attorney General,
Division of Law
124 Halsey Street, 5th Floor
Newark, NJ 07101
Tel: (973) 648-2052
Kashif.Chand@law.njoag.gov
Thomas.Huynh@law.njoag.gov
Verna.Pradaxay@law.njoag.gov
Mandy.Wang@law.njoag.gov

Attorneys for Plaintiffs Matthew J. Platkin,
Attorney General for the State of New Jersey, and
Elizabeth Harris, Acting Director of the New
Jersey Division of Consumer Affairs

BEASLEY ALLEN CROW METHVIN
PORTIS & MILES, P.C.

By: /s/ Joseph G. VanZandt
Joseph G. VanZandt
218 Commerce Street
Montgomery, AL 36104
Tel.: (334) 269-2343
Joseph.VanZandt@BeasleyAllen.com

KIESEL LAW LLP
Paul R. Kiesel
Mariana A. McConnell
8648 Wilshire Blvd.
Beverly Hills, CA 90211
Tel: (310) 854-4444

1 kiesel@kiesel.law
2 mcconnell@kiesel.law

3 PANISH | SHEA | RAVIPUDI LLP
4 Brian J. Panish
Rahul Ravipudi
Jesse Creed
5 11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
Tel: (310) 477-1700
7 Fax: (310) 477-1699
panish@panish.law
ravipudi@panish.law
jcreed@panish.law

9
10 Rachel Lanier
11 THE LANIER LAW FIRM, P.C.
2829 Townsgate Road, Suite 100
Westlake Village, CA 91361
12 Tel.: 713-659-5200
13 Rachel.Lanier@LanierLawFirm.com

14 *Co-Lead, Co-Liaison, and Leadership Counsel
for JCCP Plaintiffs*

15 By: /s/ Michael W. Ward
16 Michael W. Ward
BAKER BOTTS L.L.P.
17 1001 Page Mill Road
Building One, Suite 200
18 Palo Alto, California 94304-1007
19 Tel.: 650-739-7538
20 Michael.ward@bakerbotts.com

21 *Attorney for Dr. Jason Sattizahn*

22
23
24
25
26
27
28

1 **ATTESTATION**
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4 I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence
5 to the filing of this document has been obtained from each signatory hereto.
6
7

8 Dated: December 4, 2025
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11 By: /s/ Ashley M. Simonsen
12 Ashley M. Simonsen
13
14
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